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In re Application of SPIERS :
U.S. Application No.: 10/565,508 :
PCT Application No.: PCT/GB2004/004134 :
Int. Filing Date: 28 September 2004 :
Priority Date Claimed: 30 September 2003 : DECISION
Attorney Docket No.: PRC-001 :
For: CELL BANK FOR CONTINGENT :
AUTOLOGOUS LEUKOCYTE :
TRANSPLANTATION :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b)" filed 27 September 2006.

BACKGROUND

On 28 September 2004, applicant filed international application PCT/GB2004/004134, which claimed priority of an earlier United Kingdom application filed 30 September 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 14 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 30 March 2006.

On 28 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 September 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to timely pay the basic national fee.

On 27 September 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

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